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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,632	09/29/2003	Haruhiko Kinoshita	8032-1030	6248

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

ALI, FARHAD

ART UNIT	PAPER NUMBER
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2146

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/671,632		KINOSHITA, HARUHIKO	
	Examiner		Art Unit	
	Farhad Ali		2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communications filed on September 14, 2007.

Claims 1-10 are pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Raverdy et al. (US 2002/0069419 A1).

3. With regard to claims 1 and 7 Raverdy et al. discloses an event program distribution system and method is already known (paragraph [0003] "streaming video information to a user device"), comprising:

an event gathering system connected to the network (paragraph [0008] "Local area network (LAN), an event server");

a plurality of program receiving sites connected to the network (Fig. 7 reference numerals 114(a) and 114(b)) for transmitting a request message to the network

(paragraph [0030] "system user may also request individual video-on-demand services"), each of said receiving sites having a screen whose size is sufficient to be viewed by public audience (Fig. 10 reference numeral 1032 and paragraph [0039] "display preferably may include any effective type of display");

a server connected to the network (paragraphs [0009] "base station may preferably be coupled to the LAN") for responding to said request message with a blank- application form (paragraphs [0040] "may preferably include any effective means to remotely communicate with an external entity such as LAN or Internet, to thereby exchange relevant information")) via the network, said application form containing at least one scheduled event program and a scheduled date and a time scale of the program, the time scale indicating opening and closing times of day of the event program (paragraphs [0053] "access rights module may preferably receive one or more time-stamped access capabilities for various services" and paragraph [0055] "channel module");

said program receiving sites being responsive to said blank application form for returning a filled-in application form to the server via the network, said filled-in application form indicating one or more requested event programs (paragraphs [0040] "may preferably include any effective means to remotely communicate with an external entity such as LAN or Internet, to thereby exchange relevant information"));

said server being responsive to said filled-in application form for mapping each of a plurality of requested event programs indicated in the application form in a memory to one or more requesting program receiving sites, monitoring the memory for detecting

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the date and time scales of each event program (paragraphs [0055] “channel module may determine which program channels and program sources are currently available.. may also set up specific connection information between event server and user device”), receiving an event program from the event gathering system if the scheduled date and opening time of day of the program are detected, and for distributing the received event program to one or more program receiving sites (paragraphs [0055] “channel module may determine which program channels and program sources are currently available.. may also set up specific connection information between event server and user device”), until the scheduled closing time of day of the program is detected (paragraph [0058] “associated with one or more time-stamped access capabilities” indicating access to event only from start to scheduled closing time).

4. With regard to claim 2, Raverdy et al. discloses the event program distribution system of claim 1, wherein said event program is distributed on a real-time basis (paragraph [0013] “preferably produced in real time”).

5. With regard to claim 6, Raverdy et al. discloses the event program distribution system of claim 1, wherein said program receiving sites establish a two-way speech path to said event gathering system (paragraph [0043] “user device may also utilize I/O interface(s) to bi-directionally communicate with a host computer”).

6. With regard to claim 8, Raverdy et al. discloses the method of claim 7, wherein said event program is distributed on a real-time basis (paragraph [0013] “preferably produced in real time”).

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7. With regard to claim 9, Raverdy et al. discloses the method of claim 7, wherein said program receiving sites establish a two-way speech path to said event gathering system (paragraph [0043] "user device may also utilize I/O interface(s) to bi-directionally communicate with a host computer").

8. With regard to claim 10, Raverdy et al. discloses a computer readable storage medium embodying a program for executing the steps of claim 7 (paragraph [0044] "one or more removable storage media interfaces may preferably be utilized").

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy et al. (US 2002/0069419 A1).

11. With regard to claims 3, 4, and 5, Raverdy et al. discloses all the limitations of claim 1 and locations that are receiving sites.

Raverdy does not, however, specifically disclose that the said receiving sites are to include a game center, movie theater or karaoke hall.

It would have been obvious at the time of the invention to one of ordinary skill in the art that a game center, movie theater or karaoke hall is a type of receiving site and Raverdy teaches utilizing types of receiving sites and locations. It would be obvious for one to

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include these specific types of receiving sites because they are examples of the disclosed inventions embodiments.

Response to Arguments

12. Applicant's arguments filed on September 14, 2007 have been fully considered but they are not persuasive

Applicant argues on page 7, that within the content of the demand system of RAVERDY et al. one of ordinary skill in the art would not learn that the exchange of relevant information would include a blank application from a site viewable by a public audience, to thereby control and limit traffic on the network.

With regard to Raverdy's disclosure, the user is able to create a VOD or video on demand request. Raverdy discloses "a system user may preferably utilize user device 114 to create a VOD request using any appropriate techniques or methods. For example, the system user may enter various types of request terms into user interface 214 (FIG. 2). Then, in step 1116, user device 114 may transmit the VOD request to event server 138" (paragraph [0098]). An application for service reads on an appropriate technique or method to request video service. Furthermore, the applicant argues that the operator of the server can avoid overloading the network by controlling the number of accepted applications. Raverdy discloses "event server 138 may preferably service the VOD request and responsively transmit the requested VOD

content to user device 114 via a corresponding VOD channel" (paragraph [0099]). The event server "may preferably service" would be interpreted by one of ordinary skill in the art to mean that the server does not always service the VOD request and responsively transmit the requested content. Also, Raverdy discloses "In the FIG. 8 embodiment, event server 138 may preferably regulate access to various services and content information based upon time-stamped access capabilities corresponding to the access code provided by user device 114 to event server 138 during the foregoing login procedure" (paragraph [0087]) which implies that the server has the ability to regulate which requests are serviced with the requested content.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhad Ali whose telephone number is (571) 270-1920.

The examiner can normally be reached on Monday thru Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F.A.



JEFFREY PWU
SUPERVISORY PATENT EXAMINER